CALIFORNIA ★ POLITICAL
REVIEW
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CORRESPONDENCE

Revitalizing CRA

Regarding G. Rick Marshall's "Revitalizing CRA," (*CPR*, March/April), the man is right. CRA leadership, desiring power and fearing members would depart from their personal goals, moved to cut local power. What they really didn't like was an all powerful LA County blowing away other county positions. So they did the dumbest thing possible: they cut the power of the entire organization to salve the petty complaints of a few. Shortly thereafter I left the organization after many years of much effort.

Ron Culver
Van Nuys

Thanks for printing my article "Revitalizing CRA." I would like to correct some errors pointed out to me by CRA historian Louise Lee.

1. Fourth paragraph: The coordinating assemblies had delegates but not standing delegates. They were elected once a year at the annual election meeting.

2. Sixth paragraph: Louise said that coordinating councils of the type the by-law amendment is trying to restore were not always in force. Some type of coordinating council was always in force from the founding until 1997, but they varied in powers. This may be too finely "nuanced," to use a word in vogue now. But, as you can see, the facts are not a strong as the statement in the article.

3. 17th paragraph (starting with the words "Until 1971, county coordinating assemblies.") The statement that the Los Angeles County coordinating assembly "endorsed" New York Gov. Nelson Rockefeller over Senator Barry Goldwater for president is incorrect. They could not endorse. They only supported Rockefeller. Being the Los Angles County coordinating assembly, they were big enough to make their impact felt.

My resolution did not pass. Many shenanigans were pulled by the people who run the organization. I think they were surprised with the support it had — and had to work to suppress the vote. I misunderstood how things would play out (because I was kept in the dark) and so missed my one opportunity to have it extensively debated.

G. Rick Marshall
Torrance

The following corrections have been made in the article as posted on CPR Online, fourth paragraph: "standing" deleted; seventeenth paragraph "supported" substituted for "endorsed."

— editor

How clever is the left?

Scott Lively's "Pragmatic Compromise," (*CPR*, March/April) on homosexual civil unions was insightful, quick, and punchy. Without an inside experience with the homosexual lobbyists, its hard for me to tell whether their strategy is as clever as all that. Still, Scott's ideas are worth probing.

Raymond J. Tittmann
San Francisco

The parallel John Kurzweil ("The issue is the family," *CPR*, March/April) draws to Ronald Reagan's insight about communism being weak, not strong, is right on. It applies as well to our liberal/leftist foes in the culture

(Please turn to page 31)

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SACRAMENTO SPECTATOR

Governor Schwarzenegger still has the Democrats back on their heels. He has delivered on a string of campaign promises, passed his bond measures in the March primary, and by all accounts is disarmingly likable when up close and personal. Even the foul-mouthed, vituperative, volcano-tempered Senator John Burton has had nice things to say about the Governator, during pauses in his whining about the GOP "starving the poor" and "punishing kids."

The governor's shrewd budget maneuver — negotiating separately with large interest groups like teachers, the UC system, and counties and cities — has left the Democrats high and dry and they are fuming about it. Burton let fly a string of obscenities, the import of which boiled down to: "Just who does this guy think he is?" Well, senator, he's a governor whose popularity, at the moment, beats the Legislature's by about 70 points, so, as we used to say in junior high, "lump it."

Assembly Speaker Fabian Nuñez huffed and puffed that the governor was "trying to make the Democrats irrelevant" to the budget process, correctly identifying Schwarzenegger's gambit but also hitting (inadvertently, I presume) on the long-term solution to California's budget problems. This is a daring bit of budgetary legerdemain, but also holds great promise. It effectively guts the Dems' leverage by taking out of the discussion most of the special interests Burton's folks usually count on to back up their threats with real political pressure.

And, given any fiscal discipline at all in the governor's dealings with these groups, it promises saner budget documents than those produced by the miscreants in the Legislature. By the way, it is also instructive to note two groups the governor left out of the deal making to fend for themselves, scrambling among the budgetary crumbs and leftovers: trial lawyers and state employees. Couldn't happen to more deserving folks.

The governor also figures into the other intrigue-item that is all the buzz at the stylish soirees frequented by your *Spectator.* Congressman Darryl Issa shares the spotlight with the governor here, as the talk is that Schwarzenegger and Issa will team up for two "reform" initiatives: one to make the Legislature part time, the other to take redistricting away from the Legislature.

As you might imagine, this talk has the Democrats and their fellow pigs-at-the-public-spending-trough in a tizzy. Either reform, let alone *both,* would alter Sacramento's power dynamics beyond recognition, cutting the legs from under the Democrat power structure, quite literally ending the world of Sacramento as they know it. They would be forced to wage Herculean battles to defeat such initiatives, spending perhaps $100 million in the process.

In fact, the specter of such a battle royal, and of possibly having to find real jobs in the real world instead of throwing political power around like decedent feudal lords so terrifies the Democrats, unions, and their entire panoply of tax-eating constituencies that they can't quite believe it. It has given rise to speculation the governor isn't serious — at least not at the moment — just throwing out hints to gain leverage in current political battles.

Schwarzenneger and Issa would make a powerful campaign duo, and they could give the initiative a powerful financial boost. No telling how this might play out. So, though it is grim duty, I will continue *Spectating* at the Big Tomato's tony watering holes, carefully reporting all I learn.

— *A. P. C.*

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Counting kids by color

Berkeley remains an asylum: eight years after voters banned race preferences, Bedlam by the Bay wants to bring back busing.

HAROLD JOHNSON

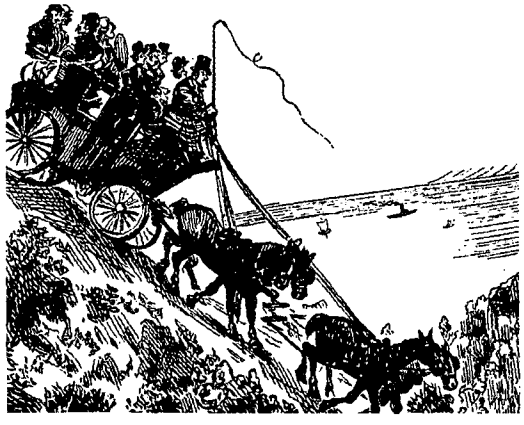
WHAT DOES Berkeley in 2004 have in common with Topeka, Kansas, in 1954? A fixation with the skin color of public school students.

There's a big difference, of course. Topeka's obsession with race was mean-spirited, while Berkeley's is well-meaning. Topeka's policy – struck down by *Brown v. Board of Education,* the anti-segregation ruling that marks its 50th anniversary May 17 — kept the races apart. Black students were restricted to certain schools, and white students went to other schools. Things were separate – and unequal.

In contrast, when Berkeley Unified School District uses skin color to match students with schools, it's to get a mixture of black, Latino, and white kids in classrooms.

However, even when guided by good intentions, categorizing kids by color is dangerous. It accents skin-deep differences. It reinforces stereotypes that say ethnicity is destiny. It provides precedent, available for use by those with less laudable goals, for using color to distinguish, and to discriminate.

One more thing: In California, it happens to be illegal. Eight years ago, voters added Proposition 209 to the California Constitution, outlawing race- and sex-based bias in public education, contracting, and hiring. Sponsors rightly billed it as a follow-up to *Brown* and other milestone civil rights decisions, because it says no one should be treated less equally than someone else because of skin color or sex.



Lorenzo Avila, a Berkeley parent, objects to the way Berkeley has been shutting its eyes to Prop. 209's requirement to be colorblind. So last year he brought a lawsuit against the district challenging its student-assignment policy. The case will be one for the history books.

District officials have already retreated a bit and downgraded the role of race in planning for next school year. But they seem poised to return to a color-based calculus. In fighting Avila's lawsuit, they're stubbornly arguing that race can be used to say where kids can go to school, and they're defending their original scheme with no apologies.

"Controlled choice" was the scheme's Orwellian title. The aim was to balance each school's racial make-up to within 5 percent of the overall district population. So, while parents could suggest where they'd like their child to be enrolled, their "choice" would go out the window if the student's color didn't fit the desired racial mix for that school.

Berkeley's schools suffer from chronic budget woes. Yet officials see no extravagance in devoting thousands of clerical hours to counting students by color and calibrating racial targets for each school. By forcing some students to attend schools outside of their neighborhoods, the district's race-balance fixation has made kids "hostages to bus schedules." It has also robbed time from after-school

CPR *Editorial Board member Harold Johnson is an attorney with the Pacific Legal Foundation (www.pacificlegal.org) in Sacramento.*

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THE FRONT LINE

A family win, for now.

by Ray Haynes

An impressive victory for the family was won in Sacramento in mid-May when Democrats pulled the plug on Assemblyman Mark Leno's bill (AB 1967) to declare the fiction of homosexual "marriage" legal in California. Leno, an anti-family activist from San Francisco, flouted California law by performing several homosexual "marriages" pursuant to the bogus licenses San Francisco issued illegally earlier this year. He pulled his bill because Assembly Speaker Fabian Nuñez said he didn't want to pursue it "in an election year," believing (as did Republicans) that it would prove to be a political liability. Speaker Nuñez, however, promised to bring the bill back in 2005 — a non-election year.

The incident illustrated several key truths about politics in general and, specifically, about politics in California in 2004. First, it showed that pro-family activists in California do a great job of lobbying to apply political pressure to elected officials. The Capitol was showered with phone calls and e-mails, rallies and protests were held, and the anti-family forces backed down — but only for the present. Why?

Ray Haynes represents California's 66th Assembly District.

Because — this is the second point illustrated by the incident: political power in a democracy is ultimately all about winning elections.

Most of a politician's activity is directed toward victory in his next election. That's how he keeps power and/or obtains more of it, and exercising power is how he affects government policy. Even unprincipled politicians tend to operate this way because, even if all they care about is winning and holding a job for themselves, doing so is easier with the support of those who have a clear vision of government and its role in society.

Lobbying and *ad hoc* applications of political pressure on politicians on specific bills can have short-term impact, but only while the pressure is on and only as long as it exceeds the pressure exerted by the other side. This is even more true when the elected official personally favors your opponent's position. Over time, elections that decide *who* sits in the legislative seats, far more than lobbying, determine which laws are enacted and which are not.

But — point three — pro-family activists are less effective at elections than at lobbying. Too many pastors and people whose political activism arises from their religious faith don't get involved in "who" gets elected. They start fighting only when they don't like "what" elected officials are doing. Too often, by the time they start fighting the battle is largely over. Despite their effective lobbying, they tend to lose most fights in the Capitol.

Point four: the Leno bill incident gives pro-marriage activists a golden opportunity to decide the outcome of this assault on the family in California before the Capitol fight begins over a new bill. The time to defeat next year's bill is now. It could be defeated if Nuñez is *not* the speaker of the assembly next year, and Nuñez will lose his job only if Democrats lose their assembly majority. Pro-family activists could make that happen. The key to protecting the family in California next year is electoral outcomes this year.

Nuñez and Leno have handed family activists the issue. The question is whether family activists will take advantage of the opportunity by working to defeat them this November. CPR

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activities, as a former Berkeley PTA council president recently told school officials.

Last month, an Alameda County Superior Court sided with the district against Avila. Because race isn't the only factor in "controlled choice" — space availability and the child's socioeconomic background also count — the scheme doesn't flout Prop. 209, Judge James Richman ruled.

THAT REASONING doesn't bear inspection. When assignment can be conditioned on skin color, the fact that other considerations might play a part doesn't sanitize things.

Just as dubiously, the judge seized on a new statute, authored by Assemblyman Mervyn Dymally, D-Carson, and signed last year by Governor Gray Davis, that plays games with Prop. 209's wording. 209 says government "shall not discriminate." The meaning is clear. As the state Supreme Court has said, to "discriminate" is "to show partiality (in favor of) or prejudice (against)" — in other words, just what Berkeley does when it turns students away from the school of their choice for racial reasons.

But the Dymally law gives the word a new spin, taking a cue from a United Nations treaty on discrimination. According to this new, "improved" definition, it's not necessarily discrimination to treat people differently by color when the objective is "advancement of certain racial or ethnic groups."

Besides the fact it would let government play favorites by race, the Dymally law has a more basic problem: A statute can't amend the state constitution or change the meaning of its words. Hence, Dymally's definitional distortion is the target of a lawsuit by Prop. 209 sponsor Ward Connerly.

The bottom line for Avila's case: His setback in Superior Court will probably be short-lived. Professor David Levine of UC San Francisco's law school said Judge Richman gave Avila's attorneys "something easy

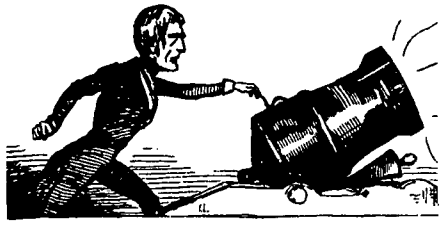
WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

Last year the Legislature passed, and Gray Davis signed, AB 161, a bill by anti-gun Democrat Assemblyman Darrell Steinberg that allows the state Department of Justice to spend "Dealer Record of Sales" [DROS] fees — paid by firearm purchasers to cover their background checks — on government activities that have nothing to do with background checks.

Pro-gun lobbyists opposed the bill before the Assembly Public Safety Committee but failed to stop it. Just another exercise in futility in a liberal-dominated Capitol? No — on the contrary, the full story shows why we must always join the fight. Pro-gun groups have argued for years that DOJ illegally co-mingles various fees in the DROS Account, then dips into it to pay for all manner of activities unrelated to background checks. We argue that this practice transforms the payment from a fee into a tax because it funds multiple governmental activities. This is important because a two-thirds legislative vote is required to impose or raise a tax; a simple majority can levy a fee.

At the hearing on Steinberg's bill, GOP Assemblymen Jay La Suer and Todd Spitzer grilled Steinberg, comparing DOJ's slippery activities to ENRON's creative accounting practices. In this highly charged environment, a visibly shaken Steinberg clearly did not enjoy the tough questions and their implications. He decided to ram his bill through (majorities can do that), but the ordeal made a strong impression on him.



How do I know that? Because, in a recent meeting on another Steinberg bill (one to clarify how firearms are returned to owners after court proceedings), it was clear the author had no desire to be confrontational with the pro-gun community. They bent over backwards to address our objections to this bill. Steinberg's anti-gun stripes haven't changed, but he invited us to help draft a bill that is actually fair and unbiased.

The moral? Simple: Fight for your rights, do not fear confrontation — we must *be* in the arena. Even when we lose, our opponents know they've been in a fight ... and remember it later. CPR

Sam Paredes is executive director of Gun Owners of California.

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LEGISLATIVE FILE

Too much time on their hands.

Just as the governor announced the last of his budget proposals — the "May revise" — before lawmakers buckled down seriously to tackling the budget, your legislators were dealing with — what do you suppose? Issues of crucial importance to ordinary Californians? Or what the governor (in suggesting a return to a part-time Legislature) called "silly bills"? Consider a few current proposals, then judge for yourself:

AB 1805 (Levine, D-Van Nuys), which would ban "farm-raised salmon." What, you may ask, is wrong with farm-raised salmon? Farm-raised salmon, their opponents say, are genetically different from salmon grown in the wild. If these salmon escape from their farms and swim into our rivers, ban supporters say, they will wipe out all the wild salmon.

How salmon raised on a farm (after being bred from wild salmon) manage to violate all the laws of genetics by becoming genetically different from their wild parents and grand-parents is left a little unclear, but this is laid-back California — who wants to bother about up-tight science?

Actually, the issue seems to be that the Bush administration is about to issue a ruling that all farm-raised salmon are to be included in the count of wild salmon when determining whether or not a species is endangered. That could derail the left's dream of declaring every inch of river "protected" habitat ("protected," that is, from people) for endangered salmon. So they want to outlaw farm-raised salmon.

Next is SB 1520 (Burton, D-San Francisco), which would outlaw the feeding of geese in the way that is necessary to create *pate de foie gras*. A little *pate de foie gras* goes a long way, it seems, inasmuch as only one farm in California raises its geese in the way the law would forbid. The farmer is a Salvadoran refugee who came to California more than 20 years ago seeking freedom and a chance to make a go of life for his family. He found it, but evidently only because John Burton had not yet gotten around to him. Democrat Senate Leader Burton now wants to make this man's business illegal because some animal rights extremists don't like the way he feeds his geese. Also, since this is just one family, it should be easy to push these people around. The geese are going to be somebody's dinner in any event — does it really make any difference how they are fed?

Next is AB 2732 (Dymally, D-Compton), which would declare wiping rags a toxic substance. *Wiping rags?!?* — this one is bizarre even by California Legislature standards. We are probably in for hearings at which people will testify about being overcome by wiping rag fumes or wiping rag chemicals while washing and drying their cars. Will the Legislature ever admit that *any* activity is *not* dangerous? Never as long as it might deprive a politician of his chance to pose as a savior.

There are bills to regulate cell phones, insert *feng shui* principles into the building code, ban smoking in cars, investigate Mexican candy imports, and many more. If you wondered what Gov. Schwarzenegger might have had in mind in talking about lawmakers with too much time on their hands and the introduction of too many "silly bills" in the Legislature, now you know. CPR

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to shoot at." The judge's decision "strained" not "to follow [the] precedent" of other cases that have applied Prop. 209, Levine told an interviewer. "I don't think it's very convincing."

Lorenzo Avila believes it's wrong to teach students that color, not character, is their defining attribute. He wants Berkeley schools to focus on academics, not social engineering that treats kids like chips on a checkerboard.

In other words, his lawsuit is animated by classic civil-rights concerns, by the letter of Prop. 209, *and* by the spirit of *Brown.*

THOSE IN POWER OVER US

From Earth Day to Election Day: 2004

Protecting Species – Condemning People

M. DAVID STIRLING

With Earth Day having passed and Election Day 2004 fast approaching, the nation's large, well-financed eco-activist organizations are in full assault mode in condemning the environmental and natural resource policies and record of the Bush administration. Every opportunity is being taken, and many will be created, to bash Bush as the chief tormenter of Mother Earth.

A Sierra Club hit-piece, for example, blasts the president by attacking his Ninth Circuit Court of Appeals nominee, William Myers III. The reason? Myers' alleged "record of hostility toward laws protecting the environment." In enviro-parlance, such characterization is meant to marginalize – preferably destroy – the reputation of any potentially influential person who holds broader, more balanced views of environmental protection than their own. Myers' past legal positions reveal his belief that the nation's environmental laws have been implemented in previous years with a harsh "pro-species/anti-people" bias, that will, if not tempered, lead to economic stagnation and increased loss of livelihoods, private property rights, and lives, both human and species. (At this writing, Mr. Myers' nomination has been approved by the senate judiciary committee on a straight party-line vote.)

What really is in play here is the growing conflict between the advocates of "the collective good" and the proponents of individual economic freedom. Those who promote increased government regulation of, and intrusion into, individual lives, livelihoods, and property are being challenged in their crusade to tell the rest of us how to live. To "collectivists," only human endeavors that advance the collective good of society are worthy. Collectivists have no more respect for the founding principle of individual ownership and reasonable use of private property than they have for private enterprise or people's right to earn a living. To them, individual economic freedom represent selfish, profit-motivated, unacceptably independent values that must be depreciated for the good of the public. That the Constitution protects only individual rights, not the public's rights, is but a quaint notion to collectivists.

Nowhere is the collectivist threat to Americans' individual economic freedoms more pronounced than in the environmentalists' use of the federal Endangered Species Act of 1973 (ESA). Court nominee-Myers has argued that when government prohibits a property owner from using his land because it is habitat for a ESA-protected plant or wildlife species, it has effectively taken that property for public use and, under the Fifth Amendment, the government owes the owner "just compensation."

Yet Myers' sound, Constitution-based position

Mr. Stirling is vice president of Pacific Legal Foundation (www.pacificlegal.org), a public interest legal organization that works in the courts of law and the court of public opinion to advance private property rights, environmental balance, and the principles of free enterprise. Mr.Stirling can be reached at mds@pacificlegal.org.

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brings down the environmentalists' anathema. The Sierra Club says Myers "argues ... that property rights are ... 'fundamental,' ... in which case the government may not intrude upon them, except in very narrow circumstances. This view ... would doom environmental protection." Clearly, what the collectivists fear are more judges who believe that government must pay property owners for restricting or barring their use of their own land whenever a protected species is around. They know that under that rule it wouldn't be long before the government's treasury and taxpayers' patience were exhausted. Then these elitist organizations would find it far more difficult to advance their anti-development, anti-jobs, anti-people agenda on the backs of property owners, business operators, and wage earners.

EXAMPLES ABOUND of severe damage done to people's lives, livelihoods, and property through abuse of the ESA and other environmental laws. One that still haunts all the people of California began in the late '80s when environmental organizations filed ESA lawsuits that persuaded the U.S. Forest Service to set aside tens of thousands of Sierra Nevada mountain forest acres as protected habitat for the California spotted owl. By 2000, timber harvesting in the region had dropped by more than 50 percent, and a corresponding percentage of its saw mills and pulp and paper mills were shut down. Thousands of families lost their incomes, their homes, and their way of life. The drastic change increased alcohol and drug abuse, school dropouts, domestic violence, and family breakups.

In the years these timber families and the companies that employed them were stewards of the forests, only minor acreage was consumed by fire. In the years since environmentalists and sympathetic government bureaucrats drove these people from the forests, hundreds of thousands of forest acres have been destroyed by wildfires. Ironically, also decimated has been the very owl habitat the environmentalists' lawsuits purportedly sought to protect.

Nor does the bleeding stop there. Despite the fact that there are more trees growing in California forests today than there were when the environmentalists initially filed their lawsuits, 80 percent of the wood products now used on California building and construction projects come from other countries.

BUT HERE is the worst part. In February 2003, the U.S. Fish & Wildlife Service made a shocking disclosure: the California spotted owl was not in need of special habitat protection, nor had such protection *ever* been necessary. Indeed, the forests are vast enough and the owl is mo-

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Thoughts on John Kerry

John Kerry rides around in an SUV.
Though it wouldn't be right for you and me,
Libs give him a pass,
Though it guzzles gas,
Because it belongs to his family.

I think it might be worth six pence
To know if Kerry threw over the fence
Ribbons or medals?
The story he peddles
These days makes not a bit of sense.

Mondale lost big in November.
McGovern was skunked in the fall.
Dukakis sank in an army tank
Is Kerry the worst one of all?

— by Joy Skilmer*

** The political verse of Joy Skilmer, né Lyn Nofziger, is available at both Barnes and Noble.com and Amazon.com and from MND Publishing, 573 Marina Rd., Deatsville, AL 36022. Keep up with Lyn's "musings" at: www.lynnofziger.com*

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bile enough that habitat is abundant. Yet, the timber families' economic losses caused by this classic example of raging environmentalism can never be made whole, nor will their lives ever be restored. And California's economy continues to miss the vast financial contribution the timber and logging industry and related businesses, jobs, and taxes once provided.

Although the Bush administration has put in place strong forest fuel-reduction programs (primarily tree and brush thinning) to reduce the intensity of wildfires and enhance firefighters' ability to extinguish them, the "usual suspects" in hardcore environmentalist organizations have created a morass of litigation to obstruct the programs' implementation. That, primarily, is why last year in southern California alone 22 lives, 3,577 homes, and nearly 745,000 public and private forest acres were lost, not to mention the destroyed habitat of the gnatcatcher and numerous other species of plants and wildlife.

The Sierra Club's hit-piece that bashed Bush's Ninth Circuit appointee declares: "Every American deserves fair and balanced courts that protect our rights." That's a curious comment from a collectivist organization – and by extension, a movement – that promotes protection of every species for the collective benefit of the public, while simultaneously condemning a judicial nominee who fairly suggests spreading the costs of that protection around that benefited public, rather than load it all onto the individual property owner who happens to host a species.

IF THE actions of these large, wealthy eco-activist organizations seem bizarre, inconsistent, even contradictory to their professed purposes, just recall that they have years of experience masking their true nature and agenda. As collectivists, they promote "species protection" primarily to stop productive human endeavor that advances individual economic liberty. And everyone's liberty will be diminished to the extent they are able to influence the November elections from president on down.

THE WORKING PRESS

Be careful what you wish for

The LA Times dubs Richard Strauss an 'anti-abortionist'; GI Jane shocks The New York Times into rediscovering 'basic standards of human decency.'

GEORGE NEUMAYR

THE "PRO-CHOICE" copy editors of the *Los Angeles Times* are so vigilant that they described Richard Strauss' opera *Die Frau Ohne Schatten* as an "anti-abortion paean."

Opera reviewer Mark Swed's original copy said a "pro-life paean," by which he meant the play affirms life in general. But the phrase was too charged for the *Times'* copy desk, which edited the phrase to read "anti-abortion paean." Swed was surprised to learn the next day that his column credited Strauss with an anti-abortion opera. "Somebody who didn't quite get it got a little bit too politically correct ... and we had a little breakdown in communications," explained Swed to the press in March.

♣ ♣ ♣

The news of prison torture in Iraq that the media so breathlessly reported in May sounded like a Sci-Fi movie conceived in the mind of Gloria Steinem: Patriarchal Muslim males in an Iraqi prison under the control of a female general are leashed like dogs as female guards amuse themselves in a game of carnal hijinks.

What once was a satirical cartoon in *Ms.* Magazine — men in dog collars and the like — was the photo on the front page of newspapers: a female GI leashing a male Muslim prisoner. Why was the media so

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shocked at the image? They managed to cover the March for Women's Lives in Washington, D.C. — which had plenty of crude male-bashing on display — without horror.

PERHAPS THIS female GI is in need of the "understanding" for which the liberal media is justly famous. What horrible oppression led her and her cohorts to write "I am a Rapest" (sic) on a prisoner's leg? Can't the Maureen Dowds and Eleanor Clifts who cried at Charlize Theron's *Monster* understand the rage this GI must feel? The feminist illuminati in Hollywood was so shocked at Charlize Theron's performance as a truck-stop prostitute killing her clients it gave her an Oscar. Shouldn't those who cheered at Thelma and Louise, who applauded Demi Moore in *GI Jane,* who park their daughters in front of Xena: The Princess Warrior, who chuckle at Quentin Tarantino's *Kill Bill* cut this GI a little slack?

And why is the behavior depicted in the photos so appalling to the media? Reporters usually pay money to see it on the big screen. Moreover, if the behavior had been "consensual" — the moral touchstone of modern life — it would earn the name free speech from liberals. Why are they so upset? They are getting our pay-per-view war for free. In the liberal mind, the depraved acts in that prison form an important identity and alternative lifestyle worthy of respect and tolerance. As the pop culture they have bestowed upon us might say, "Don't be ignorant." Who is to say those acts are wrong? Indeed, in Massachusetts now, they are the beginning of marital courtship.

Notice that the media, though shocked at the presence of women in the disgraceful melee at the Iraqi prison, weren't shocked that a female general was running the place. Yet even as the media promote the idea that women should perform all the dirty deeds of war like men, they are appalled that women are actually doing them. The editorialists so appalled at these images were the ones who rejected out of hand the conservative warnings in the 1980s and '90s that placing women in combat would not only expose them to abuse in captivity but could coarsen them and turn them into abusers.

"The behavior depicted in the photos — which, among other things, show naked prisoners being subjected to sexual humiliation by American women — defies basic standards of human decency and the accepted conventions of war," editorialized a stunned *New York Times.* The image of that female guard, smoking away as she joins gleefully in the tormenting like one of the guys, is a outgrowth of culture long championed by the *Times* which encourages female barbarians. GI Janes are kicking around misogynist Muslims in Iraq? This has been a vision dancing in the heads of *New York Times* feminists for years. Had *Thelma and Louise* gone off to Iraq — and sexually humiliated some of Saddam Hussein's army as payback for abuse to Jessica Lynch a few cities back — the *New York Times* would have applauded the sequel.

ELAINE DONNELLY of the Center for Military Readiness predicted that women in combat would lead to their "coarsening." But the media ignored her. "Why were women assigned to watch the male prisoners?" she asks, a question no mainstream newspaper will ask. The answer lies in the "interchangeability idea" the Clinton military hammered home, she says. The idea was "sexuality doesn't matter," she says. "Men and women are interchangeable."

Did the editorial pages of American newspapers say that whatever male warriors do, so should women? If men rough up captives, why shouldn't women too?

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What happened at Abu Ghraib prison is also happening in feminist America. Most outlets ignore the destructive effects of feminism on American culture. But in April, the *Associated Press,* to its credit, acknowledged a "disturbing trend around the country. Girls are turning to violence more often and with terrifying intensity."

AP reported that girls, devoid of maternal role models and absorbing pop culture images that lionize female warriors and thugs, are catching up to teenage boys in arrests for violence (the boy/girl ratio of arrests for violence was 10-to-1 a generation ago; now it is down to 4-to-1. School expulsions bear this out as well.) *AP* gives such examples as girls pummeling each other at a birthday party, sending 12-year-old Nicole Towes into a coma, and last May's videotaped hazing session among girls at Glenbrook High School in suburban Chicago.

PERHAPS THE media will tell us that this is not a crisis but a potential social program and these girls deserve ROTC credits. Perhaps conservatives are not adequately conditioned to see that girls will be girls, and that for the sake of a Thelma-and-Louise military in years to come we must tolerate a few hazing sessions. After all, in the glorious experiment feminism has planned for us, a few test tubes will be broken.

But what about that favorite claim in the dominant media that women in combat would make the military more humane and "sensitive"? Women haven't civilized war; war has corrupted women. But that's obviously not a permissible thought. Even if the clock is falling off the wall we must not turn it back to fix it. When Elaine Donnelly and Phyllis Schlafley explained to the media that women in combat would mean the exposure of women to rape and torture in captivity, the big newspapers pooh-poohed the warning, in effect saying that America could get used to violence against women, and that men could be conditioned out of their chauvinism. Which is what the Clintonized military aimed to do, setting up programs to teach male soldiers how to handle captivity with brutalized women by programing out of them feelings of protectiveness.

Trainers at the Survival, Evasion, Resistance and Escape training center at Fairchild Air Force Base in Spokane, Washington, acknowledged to a presidential military commission that women in combat would require a conditioning program for average Americans: "If a policy change is made and women are allowed into combat positions, there must be a concerted effort to educate the American public on the increased likelihood that women will be raped, will come home in bodybags, and will be exploited. The consequences of not undertaking such a program would be a large scale disillusionment with the military should the United States get in a protracted military engagement."

In a feminist culture which coarsens women and calls it progress, we now need a conditioning course not just to prepare Americans for the abuse of American women taken in defeat, but abuse by American female soldiers in victory. CPR

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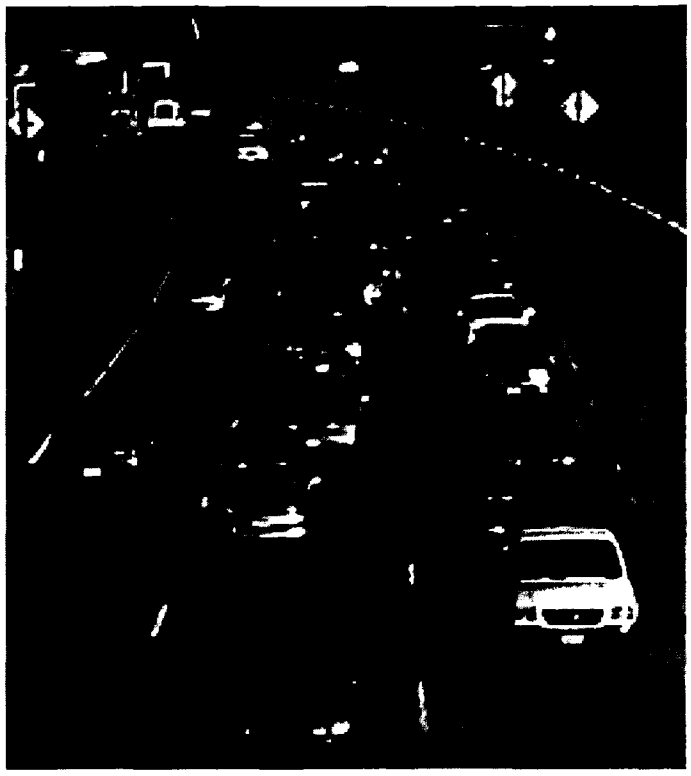
Self-inflicted gridlock



The left's war against efficient, affordable transportation (*i.e.*, the family car) has left our freeways and roads a shambles.

Tom McClintock

CPR's *sister publication,* Capitol Watch, *recently reported on a study showing Californians drive some of the nation's worst roads while paying the highest gas taxes. The Road Information Project [TRIP], the Washington, D.C.-based nonprofit transportation advocacy group that released the study, said our bad roads have dramatically increased costs to motorists for auto repairs, new tires, extra fuel to drive on poor pavement, and vehicle depreciation. As Tom McClintock shows in the following article (delivered January 24, 2002, as a speech to the California Asphalt and Pavement Association), TRIP's report barely begins to document the wreckage of some 30 years of campaigning by state government against the private car.*

I'd like to discuss the transportation crisis in California. The thing that makes it so fascinating to me is how simple the problem is to correct, and how monumentally stupid has been our policy to deal with it during the past 30 years.

Throughout the first three-quarters of the 20th Century, policymakers understood the simplicity, the efficiency, and the necessity of the individualized transportation system made possible by the automobile. In 1958, they adopted the most visionary infrastructure plan in California's history. It proposed a highway system to link all of the population, commercial, and resource centers of the state with this remarkably efficient system — and to do so from existing tax dollars. This highway system was on schedule for completion in the 1980s, until a single climacteric changed everything: the election of Governor Jerry Brown and his "era-of-limits," "small-is-beautiful," "don't build things and people won't come" new-age nonsense.

Tom McClintock represents California's 19th state Senate District.

NO MORE ROADS

We walked away from our highway program, literally abandoning projects in mid-construction. In the Los Angeles region, they canceled the Whitnall Freeway — which was to be the third east-west freeway through the middle of the San Fernando Valley. We already owned the land for that freeway. All that remained was to grade and pave. They canceled the Reseda Freeway, the third north/south freeway for the San Fernando Valley. They

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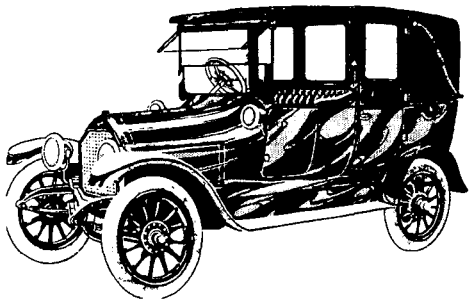

They canceled the 118 freeway from Oxnard to San Fernando, the Fillmore freeway, the Long Beach Freeway — all in mid-construction.

canceled the Pacific Coast Freeway from Oxnard to Long Beach in mid-construction. They canceled the 118 freeway from Oxnard to San Fernando in mid-construction. They canceled the Fillmore freeway in mid-construction. They canceled the Long Beach Freeway in mid-construction. It wasn't for lack of funds: it was because of a retrograde ideology that held that the automobile is the root of all evil.

And through two Democrat and two Republican administrations, this basic agenda has not been challenged. Since 1974, the miles driven by Californians have increased 116 percent, while lane mileage has increased just 8 percent.

According to one of Jerry Brown's deputies: "We are prepared to endure considerable outcry in order to pry John Q. Public out of his car."

This policy reached a new level with the election of Jerry Brown's chief of staff, Gray Davis. Scant attention was paid when, in 2001, Davis announced that "California's era of freeway construction is over." I suggest to you that this statement ranks with "Let them eat cake," and "*Apres nous, le deluge*" for sheer irresponsibility and lunacy in public policy.

Well, we stopped building freeways, the people came anyway, and they're still in their cars.

I am here to state what is politically incorrect in bureaucratic circles, but what is self-evident to virtually every motorist on the road today. California policy makers have conducted a 30-year hate affair with the automobile, to the detriment of our economy, our safety, our environment, and our quality of life. And it is time — it is long past time — that Californians demanded the highways that we have paid for.

During those 30 years, we have heard the derisive and condescending comments about "Californians' love affair with their cars." California's highway system was not due to an irrational love affair with a machine. It was the simple fact that the individualized transportation made possible by the automobile offers advantages that no mass-transit system could ever begin to duplicate: high-speed, low-cost, doorstep-to-doorstep, 24-hour a day on call service in safety, convenience, and comfort, offering infinite flexibility in travel schedules and routes. It was this efficient, adaptable system that made 20th century commerce possible. And it is the foundation upon which our ability to interact socially and commercially now rests.

COMMAND-AND-CONTROL

But it is not popular with big government. Highly decentralized systems that respond to individual needs are anathema to the manipulative whims of government. Government likes centralized, command-and-control structures that can be dominated politically. Those who have lectured Californians that they have become too dependent on the automobile would rather make them dependent on government-managed mass transit.

So today, the finest highway system in the world is a shambles. It has not been merely neglected. An ideological war has been waged against it. I am here to suggest that it's time that war was joined, and that the ideologues that have destroyed our transportation system be challenged by common sense.

Our plight is not for lack of money. California motorists bear the third heaviest taxes per vehicle in the country, and yet we rank dead last in our per capita spending for our highways.

In 1990, they doubled the excise tax on gasoline — and promised that money would be used for road construction. In the decade that followed, the miles driven by Californians increased another 30 percent, our lane mileage increased just *one* percent.

The left likes to argue that government subsidizes the car. The truth is exactly the opposite. The car once paid for all highway construction. Now it is used to subsidize every aspect of the welfare state — except for a decent road system.

In the 1950s and 1960s, virtually the entire California freeway system was constructed from the taxes — lower taxes, I might add — paid by the motorists who used the freeways. Since the 1970s, there has been virtually no new freeway construction. We are carrying 30 years more vol-

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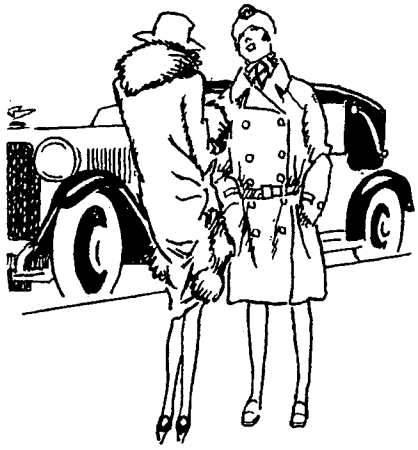
ume — 116 percent more usage — on the same road system built by our grandfathers, and paying higher taxes to boot.

The politically correct transportation system is, of course, mass transit. The only problem is that the masses don't use it. And there's a reason. It is inconvenient, it is enormously time-consuming, and most of all, if it wasn't heavily subsidized, it would be cost prohibitive.



Take a look at the Los Angeles Metropolitan Transportation Authority for example. Last year, the MTA consumed $2.7 billion: $5,900 annually for every passenger it carried. Last year [2001], they had a 32-day strike. There was no appreciable increase in traffic congestion. There was actually a decrease in air pollution. Even the MTA admitted that 90 percent of its passengers had alternative means of transportation. For the 45,000 truly transit-dependent people in Los Angeles, a low-cost jitney service immediately materialized on every street corner until LA City government aggressively shut it down.

FREEWAY ANGIOPLASTY

Now, consider this. Shifting just the MTA's mass transit subsidy funds to road construction — at Century Freeway prices — would mean four new lanes on the San Diego Freeway from the Ventura Freeway to the Century Freeway in the first year of savings alone. The next three years could do the same on the Hollywood Freeway from the Ventura to the 605 and on the Santa Monica from the Pacific coast to the 605. Within 10 years, 170 miles of congested freeway routes in the Los Angeles area could have four lanes of angioplasty done, using the most conservative possible figures, for the MTA's net operating costs for mass transit.

For the cost of the 79-mile long Los Angeles Metrorail, we could have added 618 miles of new freeway lanes to the Los Angeles Freeway system — at Century freeway prices.

Let me ask for a show of hands. How many of you rode on the MTA in Los Angeles last year? How many of you rode on a Los Angeles freeway last year? Any questions?

A few years ago, I attended a "transit summit," composed of several hundred mass transit advocates throughout the region. There was a bus stop right outside the hotel. I asked these transit officials and lobbyists how many had come by bus. Of roughly 300 in attendance, three hands were raised. More recently, the director of Rideshare for Los Angeles was asked if she carpooled. She said "No." It seems her schedule was just too unpredictable. Well, welcome to the world.

Four years ago, the San Fernando Valley Industry and Commerce Association conducted a survey of commuter preferences. According to the poll, a vast majority of area commuters want transit service that requires no more than a 10-minute wait, stops no more than once on the way home, takes no more than 30 minutes in transit, and charges no more than 75 cents. For a Southern California mass transit system, such demands are impossible. Fortunately, what the public is describing is something they already have: the convenience, versatility, and economy of the (politically incorrect) automobile.

But we don't have that system any more because the taxes that once paid for all of our roads now have been diverted to pay for everything except our roads, and specifically to mass transit systems that are wildly unrealistic, hugely inconvenient, and enormously expensive.

There is method in their madness. County Supervisor Roger Niello of Sacramento, a strong advocate for highway construction, told me of his experience at one of these "mass transit summits." There, the speaker said to the approval of the audience, "Remember, gridlock is our friend." If you make the highways impassable, if you make life miserable enough for the single motorist, then people will have no choice but to take mass transit, with all its inconveniences and inefficiencies.

As boring and as politically incorrect as the road system is, it is the most efficient, most economical, safest, and most environmentally friendly transportation system we have. And if that statement surprises you, it is because of a massive mis-information campaign to which the mass transit lobby has subjected us for a generation.

THE ENVIRONMENT

I have already talked about the economies. The efficiency of doorstep-to-doorstep service should be obvious to all.

The safety figures are there for the asking. Private automobile traffic has a lower injury and mortality rate per mile traveled than the public mass transit systems in operation today.

But let me also mention the environment, which is the most prevalent excuse we have for California's 30-year

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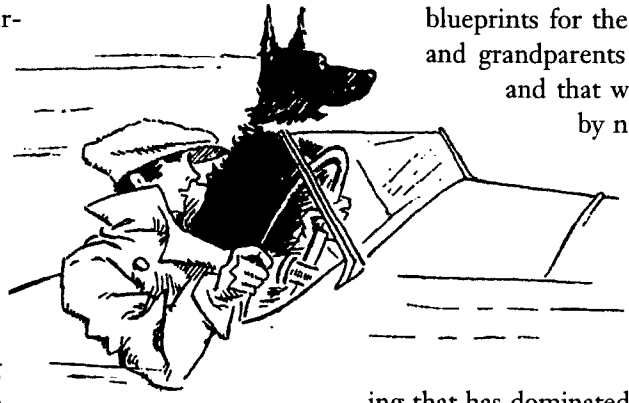
hate affair with the car. Gridlocked automobiles create twice the NOX contaminants and six times the carbon contaminants per mile as those operating at peak efficiency. Think about that. Bringing California's highways back to capacity would be the environmental equivalent of removing half the automobiles from the roads during rush hours for nitrogen oxide and removing *five* cars out of *six* for carbon monoxide.



And let me ask you this: does even the most wild-eyed environmentalist ever suggest that these mass transit systems will remove half of the cars from the roads?

Instead of doing the obvious, the big government crowd is suggesting everything but. We are told that we need to expand bus systems, add more light rail, telecommute, offer flex-time schedules, more HOV lanes, and on and on.

We're told, "If you build more lanes, in 10 years they'll be as crowded as ever." Listen to the logic of this statement: "Don't build more lanes, people will just use them." Instead, they have squandered billions of dollars on transportation systems people don't use.

We're told, "We can't build our way out of these problems." Well, how would you know? — we haven't tried in 30 years. When we kept pace with our transportation requirements, congestion was limited to a brief period at the height of rush hour. Now look at us.

We're told, "Freeways will create suburban sprawl." Well, there's a reason for that that has nothing to do with freeways. People don't like living in dense urban cores. It seems they like to have a yard for their kids to play in. And that's why they are willing to endure endless traffic delays to provide that room for their kids. We can either recognize that and accommodate their needs, or refuse to recognize it and ruin our standard of living and our quality of life.

INVESTING IN MISTAKES

It is one of the ironies of human nature that the more we invest in our mistakes, the less inclined we are to admit them. So let me offer these politically incorrect suggestions:

• First, restore highway revenues for highways. I first proposed dedicating our sales taxes on gasoline for our highways three years ago. Today, a similar measure is before us as Proposition 42, and it is a start.†

• Second, let's ask that MTA and all the other mass transit systems pay for themselves through their own fareboxes, just as we expect highway users to pay for their highways through their gas taxes.

• Third, fire the social engineers at CalTrans, update the blueprints for the highway system that our parents and grandparents drafted for us and our children, and that we were supposed to have in place by now. And then, where it is still economically possible to do so, re-purchase the land and get to work.

This prescription raises a very important practical question: "How can this be done?" How do we change the thinking that has dominated transportation policy in this state for nearly 30 years?

I don't have an easy answer to that question. I only have a hard answer to it. We have to change public opinion. We have to confront the mass transit lobby. We have to remove from office an entire generation of Luddites who have an utterly irrational abhorrence for the automobile and a blind faith in 30 years of failed transportation policy.

And that ain't easy. Changing governing agendas is never easy. But every now and then, change does occur — once the necessity for it overcomes our natural resistance to it. But here's the tough part: it takes years, sometimes decades of setbacks and disappointments and defeats and routs. It means going out every day into that marketplace of ideas and selling a position that a majority opposes.

The good news is, the facts are not subtle. This is not a close call. But the facts have to be out there for the people to consider, and that is where we have utterly failed. As we educate — as we agitate — as we bang our heads against a brick wall, public opinion will start to stir, glacially at first — imperceptibly at first — then very slowly, then slowly, and then quite suddenly the folly of decades gives way in a climacteric.

The good news is that the public will exercise solid judg-

(Please turn to page 30)

† Proposition 42 passed with a 69.1 percent yes vote in the March 2002 Primary, but contained a provision permitting the Legislature to declare a fiscal "emergency," during which gas tax funds can again be diverted to non-road uses, an escape hatch lawmakers have used to prevent the initiative from taking effect.

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Triumph of Intolerance

The ACLU, despite its noble-sounding name, wants to stifle religious expression and drive dissenters from the public square.

Mark Pulliam

Like the Grinch who stole Christmas, the ACLU is trying its best to prevent San Diego youths from enjoying camping and other outdoor activities at Camp Balboa and the Youth Aquatic Center, facilities run by the Desert Pacific Council of the Boy Scouts of America on land leased from the city of San Diego. In June 2000, the U.S. Supreme Court ruled against the ACLU in *Boy Scouts of America v. Dale* after a decade of harassing litigation, upholding the Boy Scouts' right to hold and enforce beliefs as an organization. Instead of leaving the Boy Scouts alone, the ACLU, in concert with local homosexual activists, took a different tack. In August 2000, just two months after the *Dale* decision was issued, the ACLU commenced a vindictive lawsuit to kick the Boy Scouts out of Balboa Park and off of Fiesta Island. The ACLU's latest position is that, as punishment for professing a belief in God, the Boy Scouts must be evicted from public property. Unfortunately, and incredibly, the ACLU has managed to convince a federal district judge to accept its extremist position, and in a pair of decisions — the first issued on July 31, 2003, and the second on April 12, 2004 — Judge Napoleon Jones became the first jurist in America to rule that a city must discriminate against a non-profit organization for professing a belief in God. What would the Founding Fathers think?

Judge Jones's ruling will undoubtedly be reversed on appeal, but at great expense to the Boy Scouts, who have been abandoned by a feckless and cowardly San Diego City Council, which caved in to the ACLU in the middle of the case, agreeing to pay the ACLU's "pro bono" attorneys nearly $1 million in costs and fees. The Boy Scouts will have to sell a lot of popcorn to overcome the ACLU's taxpayer-funded war chest, yet may not be able to recover its own attorneys' fees from the ACLU when it ultimately prevails. Only Mayor Dick Murphy and Councilman Jim Madaffer courageously voted against this Quisling settlement.

I must confess to have a personal interest in this litigation. I am active as a volunteer in my sons' Cub Scout pack and Boy Scout troop. I have camped overnight at Balboa Park. Last summer, I spent a week with my older son's Boy Scout troop at summer camp on Fiesta Island, enjoying the facilities at the Youth Aquatic Center, which was financed (unlike Petco Park, without taxpayer funding), built, and is operated by the Desert Pacific Council.

Using boats, instructors, and equipment provided by the Desert Pacific Council, the boys learned how to sail, canoe, kayak, and operate a motorboat safely. They swam, earned merit badges, performed skits, and sang songs around a campfire at night. For a week they enjoyed the outdoors and each other's camaraderie, without television, PlayStations, MTV, or Discmans. They interacted with diverse visitors from other cities and states. They had a great time, as users of the Youth Aquatic Center (which is open to the public) have for more than a decade.

Other than the staff leading the boys in non-denominational grace before meals, a non-sectarian ritual as casual and inoffensive as the reference to God

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on our currency, in our Pledge of Allegiance, in the Declaration of Independence, and on many public buildings and monuments, I witnessed nothing during the week that any rational person would characterize as "religious." It was simply Boy Scout summer camp, an experience as wholesome and American as apple pie.

Judge Jones's ruling, however, rests on the remarkable premise (argued by the ACLU) that the Boy Scouts — solely because of their belief in God — is a "religious organization," and that by allowing the Scouts to lease a half-acre parcel on Fiesta Island to operate the Youth Aquatic Center on the same economic terms extended to other non-profit groups, the City of San Diego is "advancing religion" and "religious indoctrination." Therefore, Judge Jones concluded, the lease is invalid and the Scouts must be evicted, despite having invested millions of dollars in capital improvements.

With all due respect to Judge Jones, this position is absurd. It amounts to intolerance of and discrimination against religious belief, an affront to the First Amendment unsupported by Supreme Court precedent. As the U.S. Department of Justice succinctly stated, "the Boy Scouts of America is not a church, and canoeing, kayaking, and swimming are not religious activities." Tellingly, Judge Jones refused to allow the DOJ's Civil Rights Division to file a "friend of the court" brief in support of the Boy Scouts, ruling that the federal agency entrusted with enforcing the nation's civil rights laws lacked sufficient interest in the lawsuit to warrant filing a brief.

The Justice Department will join the Boy Scouts in seeking reversal of Judge Jones's outrageous decision, which threatens the principles of tolerance and pluralism that undergird a free society. In the meantime, the Boy Scouts will have to allocate their limited resources to defend the ACLU's frivolous and mean-spirited litigation, at the expense of serving its youth members. In an Orwellian slip, Jordan Budd, the ACLU's legal director in San Diego, reportedly said that the Boy Scouts "could resolve the issue and stay on Fiesta Island and in Balboa Park if they changed their policy," *i.e.,* if they abandoned their belief in God and opposition to homosexuality. This is a blatant (and despicable) attempt to coerce an organization to repudiate views that are protected by the First Amendment and shared by an overwhelming majority of the public.

According to the ACLU, only groups that profess "acceptable" beliefs have civil rights; those that don't (such as the Boy Scouts) must be ostracized: treated like pariahs, at least until they abandon their core principles. Bullying timid local governments into submission smacks of censorship, a Taliban-like intolerance for opposing points of view. For reasons I cannot fathom, the ACLU, which zealously defends the free speech rights of reprehensible groups such as the KKK, the Nazis, and the North American Man/Boy Love Association, is on a crusade against the Boy Scouts, one of this country's most venerable and worthwhile organizations, solely because it professes a belief in God. The ACLU's dubious victory before Judge Jones will be short-lived, because the Constitution does not condone viewpoint discrimination, nor does it permit people of faith to be relegated to second-class citizenship. When will the ACLU stop picking on the Boy Scouts and recognize that, as Justice William O. Douglas stated in 1954, "We are a religious people whose institutions presuppose a Supreme Being"?

Judge Jones conceded that his ruling "does not question the benefit provided by the Boy Scouts to the City of San Diego and the community at large resulting from the Fiesta Island lease. The BSA-DPC constructed and maintained a youth aquatic center at its own expense on public parkland." What is so important about preventing kids from enjoying what the Boy Scouts have to offer? Is the ACLU so hostile to religious belief that they would prefer to have children hanging out at the shopping mall, exposed to the influence of gangs and drugs, rather than camping, swimming, and canoeing at facilities operated by the Boy Scouts? If the ACLU succeeds in kicking the Boy Scouts off of Fiesta Island (and out of Balboa Park), the people of San Diego will be worse off, and the youths who enjoy those facilities — not just the Boy Scouts, but users of the Youth Aquatic Center such as the YMCA, Girl Scouts, Sea Camp, Camp Fire Girls, and area high schools — will suffer the most.

This litigation must be seen for what it is: an attempt by a small, very vocal atheist (or agnostic) minority to impose its ultra-secularized, religion-free will on a predominantly religious majority. The ACLU, despite its lofty rhetoric and noble-sounding name, is trying to stifle all forms of religious expression, and to drive dissenters from the public square. The Boy Scouts are in the ACLU's cross-hairs today, but tomorrow it could be the Salvation Army, religious charities, or your local church or synagogue. It is not just the Boy Scouts, but all Americans who cherish freedom that have a stake in this fight. CPR

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A *full-time* Legislature?

Yuk!

H.L. Richardson

Once every five or six weeks, the governor tosses a bombshell into the Capitol that sends the usually complacent members flapping and flying around like a barnyard of panicked chickens. Among the most enjoyably disruptive of these grenade attacks was the governor's early April suggestion that the Legislature meet part time (California is one of only four states with full-time legislatures). He said the lawmakers had too much time on their hands and passed too many "strange bills" (see, e.g., this issue's "Legislative File," page 7). To help encourage this debate, CPR here republishes H.L. Richardson's still timely, still devastating critique.

If there is lesson to keep in mind about state politics and government it is the following. Listen carefully: *Don't ever let your state go to a full-time Legislature. If you do, you will live to regret it!* In 1966, Californians bought the propaganda that the Golden State needed a full time Legislature. It was promoted by liberal legislators, lobbyists, and a host of citizenry

Senator H.L. Richardson [ret.] contributes frequently to California Political Review. *This article is a chapter from his 1978 classic book on Sacramento politics:* What Makes You Think We Read The Bills?, *now available in a new printing from Green Hill Publishers, Ottawa, IL.:144 pages, $9.95, paper. Order the book by calling 916/967-4970 or at Amazon.com, Barnes & Noble, and other major booksellers.*

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who thought they were doing the right thing. I have to admit, it all sounded so good. The media was filled with comments like: "There is too much work for a part time Legislature." "How can we hope to attract good men to government when we pay them such a trivial amount?" "The special interests will have less impact on a legislator if he receives a decent salary." "Full time legislators can keep a better check on the executive branch if they work at it full time." And, "In the long run it will cost us less because a full time Legislature will know better when to cut and trim."

I could give you a whole bunch of extra reasons given on why Californians bought the full-time farm — eggs, turkey, and all — but why bother? It is a big costly mistake.

One feels legislators today try to spend it all before the money evaporates. They remind me of a young lad who was painting a wall furiously. When asked why he responded that he wanted to finish before the paint gave out.

The quality of our Legislature has gone downhill ever since. The cost of our state government has gone from a four-billion budget in 1967 to one hundred billion a couple of years into the new century. The legislators today are younger, more liberal, and fiscally irreverent. One feels that they are trying to spend it all before the money evaporates. They remind me of a young lad who was painting a wall furiously. When asked why he was painting so fast he responded that he wanted to finish before the paint gave out.

Our present Legislature is an ingenious bunch when it comes to finding new sources of revenue. They are busily seeking new areas to tax. The governmental beast needs to be fed and his appetite is only satiated by green pieces of parchment with the engraved images of presidents thereon.

We tax you for everything in California. You can bet that if it's stationary or moving it has some kind of tax on it. We have sales tax, income tax, property tax, excise tax, business tax, inventory tax, capital gains tax, transfer tax, plus scores of others. We even have, "if you would'a" taxes. That's a tax on if you would'a used that so and so, you would'a paid, but since you don't and could'a, we will tax you anyway.

We have an army of people engaged in collecting taxes from Californians and any out-of-stater who slows down enough to ticket. Most of this budgetary monstrosity is the product of our full-time Legislature and all the new young Turks that gravitated to legislative service since 1966.

Let's take one of the points that sold the California taxpayer on the full-time Legislature — "The work load is too heavy for a part time legislator." Heavy or not, they got it all done. If the load was too heavy the obvious answer was to introduce and pass fewer laws, not expand the time the Legislature stayed in session. But that's what happened with the advent of a full-time body of busy-bee legislators — with more time, more laws were introduced. To accommodate the workload, the committee systems were changed so that it became easier to get a bill passed. Fewer committee bills died, so the amount of time needed to keep up on all the bills increased proportionately. People expected more from a full-time legislator so extra curricular engagements became more pronounced. It became more difficult to turn down speaking engagements or requests for bill introduction. The job became the sole source of revenue for many legislators. After a while, legislators became more dependent upon the job than before, thus powerful special interest groups were listened to a little more intently. The longer he is a full-time legislator, the more dependent he becomes on his salary. His former occupation and its business contacts are in the past and difficult to re-establish; going back to his old occupation seems like a step backward. It becomes all the more important to keep his legislative job and whatever retirement benefits have accrued. Keeping the job becomes a matter of personal survival. Whenever the job becomes more important to a legislator than the issues on which he votes, he is no longer a worthy representative. His own security outranks judgment.

One of the beauties of a part time Legislature is that the office is more likely to be kept in proper perspective. The world doesn't come to an end if a legislator is deposed. It was part time; the pay wasn't good

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enough to support a man and his family, so those who ran for office had to be successful in other fields of endeavor. His perspective was broader because he was not only a legislator but a taxpayer as well. He inevitably had to go back into his community for most of the year and live with the laws he had passed. Local peer group pressure was ever present.

Once he became a full time legislator, all that changed. Local peer group influence diminished as he spent more and more time in the state capital. It was only a matter of time before a professional politician became your representative and as a professional, he spent an inordinate amount of his time figuring out how to perpetuate himself in office.

There is now a type who gravitates to government like fungus does to a damp dark corner. There are the social hot shots, the do-gooders, the social reformers, the planners, and the philanthropists with the public pocketbook. Our state colleges and universities are graduating them by the carloads. They are trained to enter governmental service and to revolutionize our democratic process. Governmental service is their goal, their ideal. They enter the bureaucracy believing in planning, ecology, and welfare rights. They descend upon government with an evangelical fervor that is reminiscent of the Children's Crusades — only the religion they preach is more government.

As the years pass, more and more governmental staff members are elected to office. None has ever earned a dollar in the free market; none has had to meet a payroll. They know nothing but the bureaucracy itself. They believe in what they do and the causes they promote.

They understand how elections are won and lost because they have worked their way up the ladder by participating in elections throughout their public careers. By the time they reach their thirties, they are politically sophisticated bureaucrats.

What, on the other hand, has happened to their counterparts in college, the kids who studied business or science or engineering?

They gravitated into the free market and have struggled successfully in the other worlds where the taxes are paid and real goods and services are provided. By the time they reach thirty, they have a vested interest in their chosen careers and aren't about to run for public office.

In the meantime, the smartest and best of the bureaucrats are succeeding in government and are positioning themselves to run for public office.

In every election year there are more and more of them. What we are acquiring is a growing passel of committed social reformers holding public office. The community fusses and fumes over the expanding control these liberal hot shots demand but as yet hasn't awakened to the political phenomenon that's taking place because of the full-time Legislature. Few people are aware that the bureaucracy is training and electing its own kind. The rest of us aren't even in the ball game.

California is no better off because we established a full-time Legislature: in fact we would be smart to go back from whence we came. The quality of legislator was better, more widely experienced and knowledgeable, about the taxpayer as well as the bureaucrat.

If you live in a state that's contemplating going to a full-time Legislature, just think of good ole California. With a little bit of apathy and indifference, you can get a hundred-billion-dollar Legislature just like ours — one that's working full time to give you all the government you can swallow. ☞

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In the Hurricane's Eye

Donna Arduin's appointment to lead Finance, and even more the governor's willingness to entrust her with real decision-making, show that Arnold Swarzenegger means business. Next comes the hard part.

by John Kurzweil

ARNOLD SCHWARZENEGGER, like an accomplished artist, leaves his political audiences thinking "he made that look easy." The Capitol consensus, for the moment at least (just after the release of the "May revise"), is that the governor is likely — largely as a result of his negotiated agreements with several key state interest groups — to see his budget, or one not much different from it, pass on time and without the tax increase that ideology-obsessed Democrats want always to impose. Still, though Schwarzenegger made it seem natural and effortless, somehow Pete Wilson never thought of trying any such bypass-the-big-government-ideologues strategy.

In fact, what the governor has so far done is *not* easy — easy would have been cutting the kind of deal with the Democrats that Wilson cut to raise taxes (1991) or to de-rail welfare reform (1997). It is true Schwarzenegger's massive popularity gives him a degree of leverage with the Dems and the special interests Wilson never enjoyed, but he holds the same decisive leverage with Republicans, so that, had he wanted to do so, he could have lined up the requisite number of Republican votes to pass a sell-out deal with an ease Wilson could only dream about.

Anyway, the sharp contrast with Wilsonite Republicanism is not a matter — body-builder jokes notwithstanding — of heavy lifting. Nobody ever accused Pete Wilson of being lazy, about long hours and hard work at any rate. The difficulty that most politicos would consider an impenetrable barrier is in matching Schwarzenegger's evident willingness to put the task at

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hand ahead of himself. Like Ronald Reagan, this governor seems to enjoy — as perhaps only a career non-politician could — the challenge of wading into situations everyone around him calls impossible; of talking to people about issues the seasoned pros all say are intractable; of trying one key, then another, and another, until the lock opens; and then relaxing (with a good cigar!) and enjoying the simple knowledge that the job has been well done (as opposed to the gloating over foes that substitutes for "victory" so much of the time in politics).

Another way to put it is to say the current governor is genuinely interested in the substance of policy — fiscal policy, anyway — to an extent not always found in Republican chief executives. It means that conservatives can expect their fiscal policy disagreements with him to be over tactics more than broad strategic objectives, over how fast and by which routes to try to lower taxes, reduce spending, and alleviate regulation, not whether or not we should honestly pursue these objectives at all — at least, that is what Schwarzenegger's performance indicates so far.

What the governor has done is not easy — easy would have been cutting the kind of deal with the Democrats that Wilson cut to raise taxes or to de-rail welfare reform.

Which brings us to Donna Arduin, the administration's director of finance. Reflecting his interest in substance, Schwarzenegger not only recruited for the finance job a talented, hard-working, proven team leader devoted to righting California's fiscal ship, he placed her at the center of real policy-making even after the public relations value of the appointment had been gained. Contrast that to Wilson's use of Eloise Anderson — also a talented, hard-working, proven team leader who came here devoted to righting California's much in need of righting welfare system. Wilson hired Anderson, who, as Wisconsin director of social services, had played a key role in implementing then-Governor (now Bush Administration Health and Human Services Secretary) Tommy G. Thompson's successful welfare reform — primarily a matter of requiring benefit recipients to work. Anderson came to California with much fanfare and a clear mandate to help Wilson implement similar reform here. But when the real negotiations began, Anderson and her policy prescriptions were quietly put aside to serve someone's idea of political expediency. California ended up with one of the few state welfare systems too backward even for Bill Clinton to support.

BUT WHAT was window-dressing for California's last GOP chief executive appears to be the main event for the new governor.* As the *Los Angeles Times* reported last March when the Democrat-dominated state Senate confirmed Arduin's appointment 34-0, "He [Schwarzenegger] needs her to generate ideas. And by most accounts, he is listening to what she has to say." Capitol veterans confirm this assessment. "Absolutely, she is at the center of things," said Senator Jim Brulte. Donna Arduin "was the first cabinet member the governor appointed. She has a great deal to say" about everything involving the budget. Arduin's placement in the critical finance role impressed the ideological opposition as well. As early as last October, The Left Coaster, a Sacramento-based blogger, was worrying its readers with reports that Arduin "is considered a tough conservative who cuts pork out of budgets so that taxes don't have to be increased" (though what really seemed to bother the blogger was that "she is a strong supporter apparently of for-

* I emphasize this in part because, before the Davis recall, I predicted that Schwarzenegger's election would bring the "return" of "Wilsonian 'New Republicanism,'" accompanied by all the intra-Party devastation of the Wilson era. Pete Wilson's overriding opportunism and cynical exploitation of issues (*e.g.*, welfare reform) led his administration to attack those in his own Party who wanted GOP positions to mean something real. I happily admit my pre-recall prediction was wrong: Schwarzenegger is plainly neither opportunist nor cynic.

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mer Florida Secretary of State Kathleen Harris"). The Coaster concluded that Schwarzenegger's appointment "of a budget guru who serves at the right hand of Jeb Bush will be of more consequence in several months than the glossy treatment given to Arnie and Maria now."

FORTY-YEAR-OLD Arduin is a Duke University graduate who served in the budget offices of New York Governor George Pataki and Michigan Governor John Engler before joining Bush in Florida where her job was to oversee the state's $53 billion budget. She instituted a "performance-based" system: measuring what government departments produce rather than just how much they spend — a reform Arduin is working to bring to California where it is desperately needed. On her appointment, Schwarzenegger called her "a great talent" and administration spokesman Rob Stutzman said "she has helped three governors in three significant-sized states bring structure to their budgets, bring reform, and bring crises under control. That's her track record."

Assemblyman Ray Haynes recalls meeting Arduin and seeing her regularly during her years in New York, Michigan, and Florida at conferences organized by the American Legislative Exchange Council (ALEC), a conservative networking, training, and policy idea-generating organization for state legislators. "The administration's policy people — Arduin and [Legislative Secretary Richard] Costigan — are hard core," Haynes said. "She attended ALEC conferences over several years, not just a few times. She was in San Diego in 2000, attending our seminars on state budgets — ALEC on state budgets is always great stuff."

Arduin's serious study and success in so many difficult jobs show she understands the broad dynamics of politics and government spending. The public interest lies in maximum freedom consistent with rule of law, for both moral and material reasons (just societies respect peoples' rights, afford everyone the best possible chance to advance in life, and produce the greatest prosperity for the greatest number of people). A state finance director's contribution to this public interest is to move the state always toward fiscal solvency because economic stability encourages, and lack of it undermines, the faith in themselves and in the future that people must have to place their trust in freedom. And state government fiscal solvency depends upon minimizing government's drain and burden on the private economy. A crippled economy impoverishes the people and deprives government of revenue. It all boils down to one imperative: spend tax dollars efficiently — that keeps down the burden of government on the productive sector, avoids the instability that comes with irresponsible debt accumulation, and encourages peoples' belief in their free society, the enabler of moral government, social and economic advancement, and domestic tranquility.

All simple and neat, right? Then why is it so hard to achieve, in California anyway? Analyzing the administration's "May Revise" budget proposals, *Sacramento Bee* columnist Daniel Weintraub warned that, although the plan balances the budget for the next two fiscal years, "without an economic boom that neither the governor nor anyone else anticipates, or more spending cuts that he has yet to lay out, Schwarzenegger's latest plan would not dig California permanently out of the persistent imbalance between tax receipts and spending that has plagued state finances since the dot-com collapse." Weintraub chided Arduin for "insisting" that the long-term budget gap will be closed while refusing to provide "forecasts that show how this will be done." Weintraub hammered away at this theme, as if convinced that lack of a plan detailing every step through the next 24 to 48 months means either that the administration is flying blind or has tried to find a solution to the knotty problem of long-term deficits, failed to do so, but won't come out and admit it. People, he wrote, should "expect from Schwarzenegger as governor what he promised as a candidate: at least a road map back to fiscal stability for California .... Schwarzenegger has yet to present a credible case for how he intends" to tame over-spending.

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"Arduin has talked a lot about performance measures and goals for government agencies. Maybe it's time for her to apply that discipline to her own department."

Weintraub doesn't usually allow such straightforward questions to trouble him. How does the Administration intend to pursue closing the structural spending gap? Weintraub's January 22 column, noting that Arduin "has her eye on the long term," explains that the finance director "thinks every state program should have specific goals laying out what it is trying to accomplish and clear measures to help the public determine whether those goals have been achieved .... She wants California's budget writers to change their focus from how much is going in to what is coming out. Are we, in other words, getting our money's worth?" Here, in his column from late January, is the road map Weintraub demands in mid-May. Exact details on where and to what extent this or that budget item could be reduced or eliminated is no road map to long-term structural reform; working to re-focus budget-writing around efficient achievement of defined goals is.

The solution — stop spending money we don't have — is obvious, and so is the obstacle to doing so: entrenched bureaucratic and ideological opposition to responsible budgeting.

Weintraub's May column ignored the plain obstacle to solving what is, as far as the public interest is concerned, an easy problem, especially after five years that gave us more than 40 percent growth in state government spending. The solution — stop spending money we don't have — is obvious, and so is the obstacle to doing so: entrenched, powerful bureaucratic and ideological opposition to responsible budgeting. Weintraub, in May, hinted as much:

> Many in the Legislature say the only way to finish the job is to raise taxes. Schwarzenegger disagrees. He thinks he can bring the budget back into balance by letting revenues grow naturally with economic expansion and then slowing the trend in spending growth. It appears that he intends to allow actual spending, adjusted for various accounting devices, to grow an average of about 3 percent a year for three years while revenues catch up.
>
> But limiting spending growth to that level is not easy when leaving it on automatic pilot would result in a much higher rate of increase.

But why would anyone want to leave spending "on automatic pilot"? Why would anyone with the public's interest in mind put spending, much less spending increases, on auto-pilot in the first place? No one handles their own finances in such an irresponsible way (and remains solvent). Someone *might*, however, set up such an arrangement for spending another person's money, if that someone not only received the cash as it was spent but also had no regard for the spender's welfare. The truth is, as Daniel Weintraub very well knows, that the state budget "process" is a maze of booby-traps, blind alleys, smoke bombs, and camouflage designed to obscure how completely and unashamedly it proceeds in service not to the public but to the spending lobbies, the bureaucracy, and the fever-swamps of left-wing ideology.

For one glaring, indefensible example, there is the preposterous confusion about spending "cuts," referred to endlessly in a debate over a budget — California's — that has not seen a genuine cut of any significance in year-to-year spending in decades. In fact, of course, the budget has risen steadily through both Republican and Democrat administrations. Thirteen years

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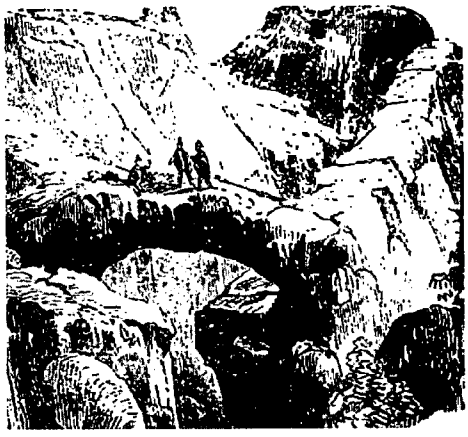
ago, in an article I wrote on the 1991-92 state budget — Pete Wilson's first, in which the debate was over increasing the *total* state budget (not just the General Fund) from $50.6 billion to $54.1 billion — I quoted Tom McClintock saying that "over the past eight years, again in current dollars, state spending has increased 120 percent while the population has increased 20 percent" — that was in 1991. During the Wilson years, the total budget grew to $71 billion for 1998-99. During Davis's first term, state spending rose another 40 percent against combined population and inflation growth of 21 percent.



DESPITE THIS context of constant increase, for some reason the discussion always gets back to "cuts" or "reductions," as in: "reductions in projected spending" to mean any sort of restraint in accelerating the outflow of cash. Considering such "reductions in projected spending" in education and other programs, Weintraub characterizes one as "*whacks* [to] local government for more than $1 billion," mentions "the chorus of complaints about his [Schwarzenegger's] spending *cuts*," and concludes that "those *cuts* are neither deep enough nor permanent enough to finish the job" of permanently ending deficits. *(emphases added)* Well, should that surprise us, since they are not "cuts" at all? As it turns out, no actual budget reductions are either needed or contemplated in order "to finish the job." The administration, as Weintraub reported, plans spending increases averaging about 3 percent per year for three years, and it is precisely these *increases* about which Weintraub writes — having just told us they are increases — that "those *cuts* are neither deep enough nor permanent enough to finish the job."

How can policy be judged rationally when the language of discussion has been so corrupted that constant spending hikes not only cannot be called what they are but must routinely be given the Orwellian opposite designation "cuts"? Most of the time, of course, journalists and politicians employ this false language without bothering to remind their audiences that what they are calling down is really up and when they say black they mean white. But what's worse? Straightforward duplicity or the borderline schizophrenia of honestly reporting a policy as a proposed "increase" in sentence A, then calling it a "cut" in B?

Whether through genuine confusion or mere suspension of our critical faculties, this surreal disregard for what actually is happening pervades Sacramento. Alongside dishonest talk of "cuts," the bureaucrat/spending lobby/ideological fringe coalition's favorite subterfuge is to call every cost-saving move a "whack" at the poor, the kids, the sick — anyone whose weakness or distress can be used to arouse public sympathy for the "victims" and antipathy toward those trying to govern responsibly. In fact, Arduin's reforms threaten bloated government, not suffering humanity, as some illustrations will attest:

How can policy be judged rationally when constant spending hikes not only cannot be called what they are but must routinely be given the Orwellian opposite designation 'cuts'?

- In March, the *Los Angeles Daily News* reported a study it conducted showing spending over the past five years "for public employees' salaries and benefits at the state and local levels increased overall at more than twice the rate of inflation and grew faster than the per capita income of average Californians." The report quot-

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ed Steven B. Frates, a senior fellow at the Rose Institute of State and Local Government at Claremont McKenna College: "At all levels of government, the rate of compensation has gone up much more rapidly than it has in the private sector and, most importantly, faster than the personal income of the people who pay for this. *There has been a wealth transfer. It has gone from the citizens to the people in government.* You often hear people in government cry that there are going to be cuts and we're hurting the poor and the little children. The fact of the matter is the citizens of the state, county, and city are making life better, not necessarily for schoolchildren or people in need, but for government employees." *(emphasis added)*

• On May 9, the *Sacramento Bee* reported that "Prison cooks, plumbers, groundskeepers, teachers, dentists, business managers, and 'audiovisual specialists' — all are among the 70,000 state workers considered police or firefighters, eligible to retire with better benefits than other state workers. In fact, any worker in a California prison regularly in contact with inmates is considered a police officer .... in July, a whole new crop will get these public-safety retirements, from driving examiners at the Department of Motor Vehicles to inspectors of milk, livestock, and funeral homes. In the 1960s, only about one in 20 state workers received enhanced retirements for their role in keeping the peace. Today, it's close to one in three."

• The same *Bee* story reported how part of this expansion in "public-safety" status was accomplished: "The California Union of Safety Employees, which represents a wide array of workers from hospital police to litigation specialists at the state Department of Transportation, gave more than $500,000 to former Gov. Gray Davis around the time that a bill made its way to his desk that gave the union's members safety retirements. One former union official is blunt about the intent. 'All of this was the result of buying Gray Davis,' said Sam McCall, then a union lawyer who helped write and negotiate the bill, SB 183. 'We would not have got this done if we had not shoved a lot of money his way.'"

• May 10, the *Bee* reported that the California pension formula for public-safety personnel so badly injured at work they no longer can do their jobs — half pay, untaxed, for life — is being awarded not only to "a young Sacramento County deputy left debilitated when his spine — and his career — were shattered during an arrest" but also to "a state nurse who suffers anxiety about sick people .... a prison guard who hurt his knee schlepping a big coffeepot upstairs .... the investigator who racked up two consecutive disability pensions, both for the same heart condition."

SIMILAR STORIES can be found in an almost endless supply, all showing that the nonstop talk of "cuts" hurting "victims" hides a reality of bureaucratic gouging of ordinary Californians. One last, particularly revealing example:

• From a March 19 *Associated Press* report: "Prison wardens, administrators and the state Department of Finance knew for years that Department of Corrections spending bore virtually no correlation to the budget presented by the governor and approved by the Legislature. But there were no sanctions or safeguards to prevent the chronic cost overruns amounting to hundreds of millions of dollars, witnesses told the Assembly's budget reform and efficiencies oversight committee Thursday ....

"An Associated Press analysis in January found the department overspent by nearly *$1.6 billion* since 1999 .... The department's budget is so far from reality that lawmakers don't know where to start making the spending cuts needed to trim the deficit, said Assembly budget Chairman Darrell Steinberg, D-Sacramento." *(emphasis added)*

Steinberg, of course, is a liberal Democrat, and even he knows — and is

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willing to say out loud — that reality is nowhere to be found in this morass of fantasy. At the end of his May column, Daniel Weinberg suggests that "it would be helpful for legislators and the public to know exactly how she [Arduin] sees state spending, by agency, growing over the next five years if the Legislature adopts the governor's proposal. She could compare that with five-year projections of state revenue based on current law. If the numbers didn't match, everybody would then know how much more work remained to be done." We would indeed — but how are the numbers going to be culled from a system designed precisely to make realistic appraisal impossible, where whole department budgets dissolve in a mist of unknowing, where words are routinely distorted to mean their opposite — coffee-pot porters becoming police officers and more spending becoming less? Before exact numbers that would have any meaning can be produced, a beginning, at least, must be made in clearing away decades of accumulated camouflage netting, habituated double-think, and arrogant public sector self-service masquerading as compassion for others.

THAT CLEAN-UP job is part of what Arnold Schwarzenegger promised to do before the recall and it is what Donna Arduin is endeavoring to do now — that is, when she and her staff can take a minute from working feverishly to avert the immediate threats of insolvency created by the previous administration and the current Democrat legislative majority over the last five years.

Arduin wants to attack "baseline budgeting" — the "autopilot" deficit-creator and the root cause of the schizophrenic mislabeling of spending increases as cuts. Here's how baseline budgeting distorts spending to benefit those in government: the "baseline" — the starting place — for each years's spending is assumed to be whatever was spent last year plus cost of living increases and caseload growth. To appreciate the unreality involved, suppose a family with one child spends $100 during a given time period for that child's support. Along comes a second child. The family budget can't be arbitrarily doubled, but spending on the children is increased to $175. In the real world, that's a 75 percent spending increase and the money has to come from somewhere: increased productivity, less spending elsewhere, or both. Real people have to confront such situations for what they are. But not government. In Sacramento, it would be assumed that, if we spent $100 on one child, with two children spending would automatically be $200 "just to stay even." The $175 figure would be called a 12.5 percent spending "cut" and would be accompanied by howls about balancing the budget on the backs of helpless newborns.

A close ally of baseline budgeting is the Sacramento Audit That Isn't. Schwarzenegger's early insistence on an "outside" audit, to be directed by Arduin as her first task upon arriving in California from Florida last fall, caused, according to one news report, "many in the Capitol to scratch their heads. California has a highly public budgeting process each year, and the state's spending plan is available to anyone who wants to see it. The state," the report continued, "also has both a state auditor who conducts a review of state spending every year and a nonpartisan analyst who examines the governor's annual budget. Another statewide officer, the state controller, employs 200 auditors who regularly conduct spending inquiries .... [State Controller Steve Westly] said the state's budget information is readily available. 'You're not going to find too many surprises,' he said. 'It's all public and fairly straightforward. I urge the governor-elect to read it as early as he can.'"

The trouble is these audits actually audit very little: essentially how much was spent on what. For instance, a jobs program audit will ask: how much was allocated by law for job training? Was

(Please turn to page 31)

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Life is beautiful

Alicia Tenuta Cohen

A few years ago I had brain surgery. Although it was rather traumatic, nothing malignant was involved and my life is subsequently richer for it. I noticed a poster the other day for a 5-K run in Washington, D.C., to support brain cancer research and thought perhaps I might take part. These events are always inspirational, with survivors and their families — or even the brave family members of (how do I say it?) non-survivors. It is also exciting to glide by the Lincoln and the Jefferson Memorials or the Capitol unencumbered by tourist buses, honking cabs, and impatient commuters.

So, early this morning I wake and am wired. Recalling the poster I saw the other day, I go to the Metro station to take the train down to the nation's capital. What a way to start the day. Indeed.

As I exit the train in Metro Center, I cannot move for the crush of people donning bright colored tee-shirts with stickers and buttons, fiercely gripping their professionally-printed placards or homemade signs: "There is no 'YOU' in uterus," they say, or "Get out of my womb!" Oh boy, this is not what I had in mind.

"Once I escape up an escalator, I will be safe," I thought. I was wrong. Hordes of people, mostly women and children, and some men, are flocking toward some destination unknown to me. Block after city block: "pro-choice, pro-choice, pro-choice." They were in every shape and size. I reach the plaza where the race registration is supposed to be — but it isn't taking place, something I started to suspect several hordes earlier.

"We're supposed to get over a million," I heard a man exclaim as he handed out water bottles. The thought that I had probably misread the 5-K poster was overwhelmed by impressions of moms walking by, hand-in-hand, with their children, to a pro-abortion rally. This is our slavery. Plantation owners told their children the blacks

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Alicia Tenuta Cohen is a mother of two boys and a literature teacher in Bethesda, Maryland.

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were not really people, so owning them was all right. Today, children are told that it is a woman's body and it's her right. What about the baby's rights? Any PSAT student could tell you that the opposite of pro-life is anti-life.

What baffles me is how all these people can think a baby is not a baby. Why is Scott Peterson being tried for two murders when his wife was merely pregnant?

What if Mary were "pro-choice"? You know, the mom of that Jesus guy. A lot of these people probably just spent a lovely Easter with their families. What if He were never born?

Every baby book I have seen in the past 10 years begins with "The Early Days" — sonogram pictures neatly tacked to champagne pink or baby blue pages. Baffling.

"Taking care" of an unwanted pregnancy does not take care of the lifetime of guilt and loss that a woman eventually feels. Expected due-dates are spent mourning, rather than celebrating with too much cake and melted ice cream. Does anyone have a placard that says this?

I did not get the inspirational run I was expecting this morning, but I did figure out the euphemism of the century: "pro-choice." It's just plain anti-life. CPR

McClintock

(Continued from page 16)

ment once they are in possession of all the facts. The problem is, all they currently hear is the propaganda of the mass transit lobby.

Change will not originate from within the Capitol building. In order for change to occur inside a capitol, it must first change outside.

So I must ask you, and your companies, and your organizations, and your clients: What are you prepared to do?

Are you prepared to educate every Californian that in the decade since our road taxes doubled and our driving increased 30 percent, our highways have increased just one percent? Are you prepared to confront the MTA and its clones over the misuse of our highway money?

Are you prepared to undertake a steady campaign until every voter is as aware as each of us in this room of the condition of our highway system and how we got there?

Because until you are prepared to do so, things are not going to change. And once you do, it might be years before we see results. That is not an easy answer. It is a hard and expensive and uncertain answer. But it's the truth and it is time we learned the truth and acted on it.

RESTORE WHAT WE THREW AWAY

What I can promise is that I will continue to press on these issues at every opportunity. And every voice that is raised will bring us closer to the day when all Californians can again enjoy high-speed transportation that is perfectly individualized to meet their precise needs: that picks them up at their doorsteps and whisks them to their destinations in safety and comfort, whenever they need to go, wherever they need to go.

In short, what we once had, what we foolishly threw away, and what we must restore for our children and grandchildren: the finest highway system the world has known. CPR

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In the Hurricane's Eye

(Continued from page 28)

it all spent on job training? Yes? Well, then, OK, end of audit. Assemblyman Ray Haynes says inquiries directed to these multifarious "auditing" agencies on such substantive questions as what, exactly, is the program supposed to do? (place people in real jobs, say) How successfully is it doing it? (how many placements?) How much are we spending for each success story? How much would alternative approaches cost? — all such questions find almost no information available. "They don't do that," Haynes said.

Finance Director Arduin wants to alter this Sacramento budgeting culture by moving toward "zero-based" budgeting — requiring justification for each dollar to be spent — and real audits of programs' efficiency and effectiveness. This project, fully supported by the governor, aims at nothing less than forcing a tectonic shift in the Sacramento budget culture from its current emphasis on how much is spent to more consideration of results achieved. In layman's terms, that means making the bureaucrats justify their spending in terms of the public interest. Zero-based budgeting also implies what the governor has called a "new mentality" for spending: the starting place is not how much we spent last year or how much we would like to spend, but how much we have *available* to spend, followed by decisions on how the divide up the revenue. It takes, apparently, a political newcomer to dream up such an over-the-top idea. When he heard about it, Democrat Assembly Speaker Fabian Nuñez retorted that the Legislature would "tell the governor what we really want in this budget, what we think is important, what we think is socially responsible. Then the governor can tell us how he plans to see to it that the revenues are there to fund those programs" — thereby pegging the personal responsibility quotient and connection to reality setting of the majority Party just about where we thought it was: around age 15 or 16, with over-indulgent parents.

This is the "old mentality" that, under Davis, created expanded eligibility for the state's Medi-Cal program, adding 1.5 million people — 23 percent of those now served — resulting in an 870 percent increase in program costs since 1999 to more than $1.3 billion in 2004-05. Spending for the state's biggest welfare program, CalWorks, continues at about $2 billion a year though caseloads have declined nearly 20 percent the past five years. California's prison costs have increased over five years by 41 percent though the system holds fewer inmates.

So how will Donna Arduin "finish the job"? She wants to begin systematic analyses that will permit the administration, the Legislature, and the people to see the return coming from taxpayers' dollars. Criteria for measuring programs' effectiveness will be established and results subjected to cost-benefit analyses compared to alternative approaches. *This* is the "roadmap back to fiscal stability for California." Following it will take time, but as progress is made, the specific numbers will emerge to close the deficit. Those specifics must largely wait upon reform of the anti-public interest mentality that has dominated taxation and spending in Sacramento for decades.

Correspondence

(Continued from page 2)

war. If we stand with the good, evil's weakness shows.

Jim Henry
Saugus

What's up with Bill Jones?

As a 77-year-old, politically-active Republican, I would like to ask: What's up with Bill Jones? In a race against an extremely liberal fluff-head for U.S. Senate, he's waffling all over on the federal Marriage Amendment. If he can't support the cultural war in a race against Boxer, what can he do? California votes conservative on cultural issues. It voted for the Defense of Marriage initiative by 59 percent. Why can't Jones understand that? Is he trying to lose? He messed up his race for governor early-on by taking the wrong side of conservative issues. Sometimes I believe Republicans would rather lose than get their hands dirty in a tough campaign. Other times they seem ignorant of the issues.

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CRITICUS

The Mother Hand?

BY G.B. TENNYSON

MANY YEARS ago when the world was young, summers seemed to stretch themselves out endlessly in a blur of hot, humid, carefree days. Before there were soccer moms and constantly organized activities we actually had to think of things to do by ourselves. Sooner or later the obvious ones were exhausted, so it was perhaps no wonder that one summer we took up the idea of learning sign language. The immediate impetus for this came from Betty Jean Ferguson who was best friends with Betty Lou Cooper whose mother was a deaf mute. Inspired by the rapid hand movements Betty Lou and her mother exchanged in conversing with one another, Betty Jean decided that she too must learn sign language. Soon a whole number of us in the neighborhood decided that we would also master this form of communication. Never mind that none of us had ever expressed a desire to converse with Mrs. Cooper before and would not have known what to say to her in any form of communication except perhaps "Hello, Ma'm" and "How are you today?" It was the challenge of the new.

We duly set to it and started holding afternoon sessions. I can't recall whether Betty Lou gave us each one of those cards with the signing alphabet on it, though I rather doubt it. Those seem to me to have come much later as persons soliciting money moved through restaurants and cafes placing such cards with a request for a contribution on each table and then returning to collect money or, in its absence, to retrieve the card. I rather think Betty Lou had a large placard with the alphabet signs on it and that she tried to lead us through them letter by letter. But here memory fails me. What I do remember is that this novel adventure soon lost its charm, at least for the boys, with the exception of Betty Jean's little brother Bobby who had the disadvantage of being about two years younger than the rest of us boys and of wearing large glasses we would today call nerdy.

So it was farewell to sign language study and off for some new adventure. My pal Francis Chipman went home and got his German Shepherd, Rex, and I went and got my Spitz, Duke, and we set out to chase Shirley Ross's black cat (name forgotten) up the outside back stairs of Shirley's house. The cat would flee to the top railing, arch up, and hiss at the two dogs that stood below her barking furiously in response to their masters' urgings. Rex would even thrust his nose right up at the cat, and the cat would reach out and claw at it, sometimes hitting the mark and drawing blood.

As the author of a monograph on the poetics of inadvertence, G.B. Tennyson gleefully appoints himself CPR's *official mondegreen correspondent, a hitherto uncontested role and likely to remain so.*

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Once we tired of that we might go up the street that ran uphill and let the dogs chase cars down it. Rex had taught Duke this unwholesome habit and it must have been somewhat alarming for the stranger driving along to find his car being pursued by two ferocious dogs seeking to bite the very tires that were propelling the vehicle.

ONCE THERE was an occasion when this car chasing stood my dog in good stead. A neighborhood enemy dog, a Boxer mix appropriately named Butch, decided as was his wont to attack Duke and thundered into the street just as a car was moving swiftly downhill. Duke the car-chaser was adroit enough to get out of the way and the car hit Butch, casting him back to the curb, and speeding on. Butch survived, but he must have concluded from this contretemps that Duke had something to do with it, for he never bothered him again.

But I digress, as I wander down memory lane. The point is that, apart from those distributors of sign language cards, I have not thought much in the intervening years about sign language. To be sure, signing is to be seen at places where liberals and environmentalists make speeches or hold conventions. But it has become just a part of the scenery. Until recently, that is, when it came again to Critical attention. At first it was reading that some do-gooder has demanded that future performances of the English National Opera be provided with sign language experts to sign on the edge of the stage. Seriously. This was akin to reading earlier that the British cabinet member David Blunkett, who is blind, insisted, during a trip to India, on being taken to — what? — "see?" the Taj Mahal. Why not send a sign language expert along to describe it to him? Rather more positive it seems is word that Deaf Missions Ministry in Council Bluffs, Iowa, has, after 23 years, completed rendering the New Testament into American Sign Language. Of course when one is in effect spelling letter by letter the 7,959 verses in the New Testament, it would take a while. Let's not even imagine the time needed to sign the Old Testament. But why not a team to speed things up? I'll bet Betty Lou Cooper could have done it sooner.

Some do-gooder has demanded that future performances of the English National Opera be provided with sign language experts to sign on the edge of the stage. Seriously.

The best, however, was yet to come. Nothing is safe from the dread hand, if I may so phrase it, of Political Correctness. How, you wonder, can there by any connection? Well, it turns out that British Sign Language, and indeed all sign language, has many gestures to signify people, places, and objects rather than spelling them out. The very practice, though eminently logical, was hitherto unknown to Criticus, perhaps because he and Francis on another occasion ran off to chase Shirley Ross's cat and, just across the way, steal apples from Mrs. Armstrong's tree, which memory still tells him were the sweetest apples ever. So I missed the lessons on signs over and above single letters.

Such signs abound in British Sign Language (BSL) and apparently also in American Sign Language (ASL), but I focus on BSL signs because that's where PC seems to have made its latest strike. (Chances are that similar signs in ASL have already been cleaned up.) It turns out that a British television program for deaf people has dropped signs considered offensive and created new ones in their place. The abandoned signs include the following: for "Jewish" a hand mimes a hooked nose; for "gay" there's a flick of a limp wrist; for "Chinese" the fingertips pull the eyes into a slant; and for "East Indian" a finger points to a spot the middle of the forehead (the so-called caste mark, I presume).

UNDER CHALLENGE but not yet supplanted are the signs for German, which is a fist held to the forehead with a finger pointing up to mimic the shape of the Prussian spiked helmet (rather *passé,* that), and the sign for the disabled in which a finger on each hand depicts a limping movement (I can't quite fathom that one).

The remedies for these offending signs are: for Jew-

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ish, a hand sign that mimics the shape of the menorah (an easy trick if one has nine fingers on one hand); for East Indian, a mime of the triangular shape of the subcontinent (not to be confused with the delta of Venus, I hope); for Chinese, the right hand travelling from the heart horizontally, then downwards towards the hip to mimic the tunic worn in China (looks like the start of stripper's act); for homosexual, an upright thumb on one hand in the palm of the other, wobbling from side to side (how's that again?) The only American case I have noted is the debate over the sign for a black person, which is squashing one's nose (oh dear). As for the Chinese, they apparently are still signing merrily along with their quite scrutable, traditional gesture to denote a Westerner, a hand depicting a round eye.

The Chinese apparently are still signing merrily along with their quite scrutable, traditional gesture to denote a Westerner, a hand depicting a round eye.

BUT TAKE heart, signing traditionalists. The deaf are striking back. Many spokesmen for the deaf in Britain have decried the changes as not only silly but as a form of discrimination, one person going so far as to say the changes are "interfering with deaf people's language, culture, and view of society, and that is a form of discrimination." Now when you talk about interfering with language, culture, and view of society and about discrimination you are pushing some fashionable buttons. Deaf people may be deaf, but they are not in the common sense dumb. It's our language, they are saying, and you haven't consulted us, have you? A deaf comedian wants to know about extending the idea of shapes to persons from other countries (evidently most don't have specific signs). What will they do with New Zealand, he wonders. Or Chile, Criticus adds. It would take a Modigliani to design that sign, so to speak.

So, carry on, ye hearing impaired. The ghost of Betty Lou Cooper's mother with her round Western blue eye is smiling down upon you.

Of course there's always something newer yet in the wind. There is now another form of non-verbal communication that seems to be enthralling a segment of the populace far broader than the hearing impaired, though it could, come to think of it, replace sign language itself. I refer to the phenomenon known as text messaging. Truth to tell, Criticus only recently came to understand exactly what this was, though he was more or less subliminally aware of it. Should any reader be as un-hip as Criticus, let me explain. It is the use of cell phones that carry a visual panel to engage in a kind of communication by way of a sort of truncated use of language. Examples that can be understood even by such as Criticus include statements flashing up on the screen such as "I luv U," and 'U R the best." Doubtless this sort of thing arose as simply a kind of shorthand, but it has evolved into a much more complex mode of communication, one especially favored by teenagers. It has done nothing to arrest the decline in spelling skills but much to infantilize the language.

At the same time, it can be used comically, as in a panel cartoon by the brilliant Michael Heath in a recent *Spectator.* In an exchange between Tony Blair and his cabinet minister David Blunkett, we find through text messages that Blair has dumped a messy immigration problem on Blunkett and gone off 'round the world. The last two panels (each printed on the picture frame of a cell phone) read, first, "Blunkett: U ****! U LEFT ME HANGING OUT 2 DRY. I'LL NEVER TRUST U AGAIN! U ****!" answered by "BLAIR: 2 BAD SUCKER!! SOME 1 HAS 2 CARRY THE CAN! U R THE WKEST LINK. GD BY!!"

But it's not just for fun. Business and enterprise, ever at the ready, have by now joined in and established centers through which one can transmit these text messages to any receptive cell phone in the world. SMS (short message service) can now inform a lover that he/she is history (a favorite mode of such announcements among the young), or on a business level report back to headquarters of the progress of a trade convention. This kind of messaging appears to

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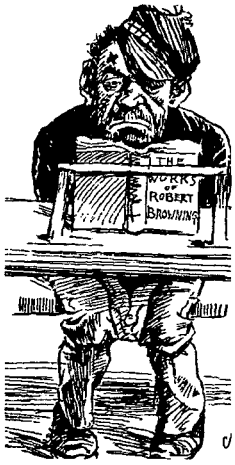
spell doom to the old fashioned telegram, which itself was famous for abbreviated language, charges being based on number of words. (Alas, that fine story about the British commander who had captured the Indian city of Sind having economized in his telegram by transmitting simply "Peccavi," Latin for "I have sinned," is apocryphal: the telegraph had not yet been invented.) Some also fret that text messaging will make it easier to cheat on exams, though there the solution seems easy enough: ban the devices in classrooms.



If word and spelling economy are prized among text messagers, we can only count it as another blow against the Mother Tongue.

If word and spelling economy are prized among text messagers, we can only count it as another blow against the Mother Tongue. Not, mind you, only because text messaging is destructive of normal verbal communication but also because it undermines the sense of proper spelling. Criticus has a solution for the latter, though one unlikely to be adopted. It is to require all users to pass a spelling test before being allowed access to cell phones and to text message connections. For starters, here are some words that Criticus recently came upon that were used in a late Victorian card game called "Spelling Bee" that he would like to see put to our young: phthisis, parallelogram, porphyry, epergne, calceolaria, and ratiocination. That ought to clear away the peasants.

When it comes to miscellaneous collections of words, can some knowledgeable computer geek explain to me the phenomenon that has of late turned up in the ever-proliferating spam that finds its way into the Criticial computer? Over and above the interminable ads for drugs for all purposes, the mortgage solicitations (some even say, "we have received your mortgage application" — the cheek of it!), the dating services, and so on, there frequently appear ads with mysterious chunks of unrelated words. They typically begin with "Hi Dallas," "Hi Alberto," "Hi Alyssa," or with no salutation at all. The subject line will be a series of anywhere from six to sixteen unrelated words. The "message" will usually be two and a half lines of numbers and symbols in blue. Then usually a name as though at the end of a letter: Curt Silva, Vicki Ricks, Wyatt Ibarra. Then comes the truly bizarre part. A paragraph of from one to twenty lines of nothing but unrelated words with no punctuation. To give you the flavor but to spare you the full agony, here are a selected few lines that Wyatt Ibarra sent me:

depletion gyrate cognizant edict cream mollusk yawn herpetology bureaucracy crux airborne elmsford brace descendant emeriti predict conjecture granular mackenzie crestview attention corvette custodial confucian tawdry attrition breezy defrost regional fjord digitate martini confident ludwig tsar biharmonic hidden

It seems unlikely that any of the above kind of material is actually intended to communicate anything. But what is it intended to do? And why are various spammers using it?

Perhaps I am wrong, and this is some new kind of language. If so, we need the skills of the justly celebrated Professor Larry Trask. He was one of the very, very few non-Basques who mastered that most impenetrable of languages, known to Basques themselves as Euskera. It is related to no other known language on earth. A quick example of its charms: it has a grammatical form known as the ergative case, which requires the addition of a "k" to the subject when it has a transitive verb. Makes one think. Unfortunately Professor Trask recently died.

All of these silent, hand-created communications make one yearn for the actual sound of language. Relief is at hand, if I may so phrase it. In what is almost the only readable column in the *Los Angeles Times,* namely Steve Harvey's "Only in L.A.", readers have been entertained during the spring months by a continuing feature Harvey has been offering, appearing within the column under the heading of "Mondegreen of the Day." If you have been following these, you know what I mean; if not, a necessary explanation.

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Harvey appears to have discovered the mondegreen somewhere in March, and though he understands its origin, he seems to think its coiner has been lost to history. Now, be mindful that the Critical filing system is something less than precise, and may therefore have missed a column or two of further explanation and clarification, in which case my apologies to Mr. Harvey. There is no uncertainty, though, regarding the meaning of the term. A mondegreen denotes a misheard phrase in a verse or song lyric, a mishearing that comes up with a different, not infrequently comic, meaning.

IT TAKES its name from a childish misunderstanding of the opening lines of the mediaeval Scottish ballad, "The Bonny Earl of Murray" (sometimes spelled Moray), here rendered in modern English:

Ye Highlands and ye Lowlands,
Oh where have you been?
They have slain the Earl of Murray
And they laid him on the green.

As her mother read aloud to her, this was misheard by a youthful Sylvia Wright as: "They have slain the Earl of Murray / and Lady Mondegreen." Years later after coming upon many such mishearings, she labeled them in a 1954 *Harper's* magazine article titled "The Death of Lady Mondegreen." Little else seems to be known about Sylvia Wright but that she was born in 1917 and wrote at least two humorous books, *Get Away from Me with those Christmas Gifts* (1957) and *A Shark-infested Rice Pudding* (1969). She apparently died in the 1970s, but her coined word did not.

Sylvia Wright's term mondegreen took root and grew and even inspired books and articles on the subject. Chances are every reader of this piece has known or even perhaps committed a mondegreen or two. What youthful churchgoer was not familiar with the cross-eyed bear named "Gladly?" I mean "Gladly the Cross-eyed Bear," properly known as the hymn "Gladly the Cross I'd Bear?" Religious sentiments seem especially suited to misinterpretation: "While shepherds wash their socks by night," "Lead us not into Penn Station," "Our Father, which art in Heaven, Harold be thy name." Even patriotism is not immune: "I pledge a lesion ..." and "to the republic four witches stand."

Sylvia Wright's term took root and even inspired books and articles. Chances are every reader of this piece has known or even perhaps committed a mondegreen or two.

The examples go on and on. I'll borrow only one more from Steve Harvey's growing collection sent in by readers. It is again from a hymn. A boy comes home from church and reports that they sang that song about Uncle Andy. A perplexed grandmother asks what song there could be about her brother Andrew. The boy says, "Oh, you know, 'And he walks with me, And he talks with me, And he tells me I am his own.'"

I fully expect Harvey to come forth in due course with a book collection of these treasures that relieve the tedium of thinking about communication by hand and eye with the delight of miscommunication by ear. While you wait, it may interest you to learn that welcome as Harvey's pioneering of mondegreenophilia (if Criticus may coin his own term) is, it is actually well behind the curve. In the '90s one Jon Carroll of the *San Francisco Chronicle* wrote a series of columns about mondegreens and appears to be still at it today. Also in the '90s one Gavin Edwards published no fewer than four illustrated (by divers hands) collections of mondegreens with the following, shortened titles: 'Scuse Me While I Kiss this Guy, He's Got the Whole Word in His Pants, When a Man Loves a Walnut, and Deck the Halls with Buddy Holly.

Criticus will close with a somewhat indecorous mondegreen that he believes is his own discovery or at least his own promulgation, for after all he read it somewhere. Mme. Charles De Gaulle is said to have said to the startled ear of the British Ambassador: "I wish you a penis." The nonplussed ambassador was relieved when an aide explained that the lady, speaking with a French accent, had said, "I wish you happiness."

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